

WIZTRONICS, INC.

1800 Ellis Street • Bellingham, Washington 98225 • (206) 738-5560

fax: 206-734-9073

3 January 1995

93-144
**ORIGINAL
FCC COPY**

DOCKET FILE COPY ORIGINAL

RECEIVED

LIAN - 5 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Federal Communications Commission
Washington, D.C. 20554

Dear Sir:

Wiztronics, Inc. has been a two-way communication sales and service shop since 1967. In 1976 we purchased our first 450 Mhz community repeater. In 1985 we got our first 4 channels of LTR on Mt. Constitution and in 1990 we got 4 LTR channels on Sehome Mt. We now have a total of 10 450 Mhz channels and 10 LTR channels on 5 sites. Our service covers the Pacific Northwest corner of the US: Whatcom, Skagit, Island, San Juan and Snohomish counties of Washington State.

Several items have come to light. First, Onecomm already holds a monopoly position in most western states. This will be exacerbated by the mergers, but the fact still remains that the monopoly currently exists. In the State of Washington, Onecomm/Nextel will hold in excess of 85% of total SMR licenses per FCC data base.

The Justice department did not have all the facts in their recent ruling and settlement with Motorola-Nextel.

That settlement cannot be extended to rural SMR operations due to the non-existence of 900 Mhz channels in rural markets, and the inability to "re-tune" the existing 800 Mhz infrastructure and subscriber equipment to those 900 Mhz or 220 Mhz.

The so-called 'speculator' dominance of spectrum is proven to be a myth, as portrayed by Foosaner. In fact, a significant portion of these licenses is under Nextel management. This has shown up in spot checks, but only could be brought to light by their testimony under oath.

At the very least the FCC was unethical in the preference shown to Onecomm/Nextel in license grants, modifications, and waivers. At the most there was collusion with some FCC employees. This was not pointed out specifically, but the evidence is plain to see, and, it is overwhelming.

Our WNPS-655 and WNAR-349 licenses were at the FCC 8 November 1993 and I find it hard to believe thousands of licenses were, in the state of being processed, for Nextel/Onecomm in the weeks prior to the freeze and we did

No. of Copies rec'd
List ABCDE

074

not have our licensed processed. I am sure if dates were checked many of their licenses would have been filed after Wistronics filing date.

A large number of sites in the state of Washington, 19 mountain tops were previously designated to have 105 mile protection due to the extreme HAAT. However the commission has issued over 10,000 licensed channels to Onecomm in the state!! There aren't that many 25 miles circles let alone 70 or 105 miles! Some of the short spacing is absolutely atrocious! In one case, there is a short space of 100 feet at our site on Mt. Constitution.


The monopoly position being created not only puts one operator in control, but due to the position held by Motorola, they have to use MIRS, it is part of the deal to gain Motorola's channels.

This spectrum will be under the thumb of Motorola, and if you are happy with your position, and think you have enough channels to get by, please talk to an operator who has been 'moved in on' by this bunch. They have deep enough pockets to take your customers by rate cutting, have teams of suede-shoed 'sales engineers' to call on your customers, and generally force you out. You'll be back selling on your 450 community repeaters or laying off your sales force. I know Mike Bingaman, Accucom of Seattle, and Walt Gallinghouse will relate these experiences. Remember, they are not tariffed for rates, they can change at will, unlike common carriers, and they may use this to advantage, much as the various 'come-ons' in telemarketing used to sell long distance service.

Onecomm is having trouble meeting their projected subscriber count due to problems with MIRS, as stipulated in their business plan with Chase Bank, that is one of the requirements to be met to gain access to a 100 million dollars line of credit. They now project this will not occur until mid-1996. The merger will allow them to use their aggregate loading to meet that target. They may be willing to give away radios to your customers in order to meet that target!

We feel the "comments" and "summary" are good but they do not completely address the issues and the above needs to be handled before the FNPRM can be addressed.

Sincerely,


Gerald L. Noe